2624 IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Dean Rosales	§	Art Unit:	2624
Serial No.:	09/821,563	§	Examiner:	Wesley J. Tucker
Filed:	March 29, 2001	§	Atty Docket:	ITL.0536US P10841
For:	Providing Multiple Symmetrical Filters	§	Assignee:	Intel Corporation

Mail Stop **Appeal Brief-Patents**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

In response to the new arguments raised in the Examiner's Answer, the following reply brief is submitted.

The Answer relies on two untenable definitions of two terms at issue. The Examiner suggests that "determining" must somehow mean "conclusively fixing." But even if "to determine" meant "conclusively fixing," the act of "determining" calls for a process of conclusively fixing. In other words, the "ing" form of determine calls for a process step. It cannot call for the conclusion, but, rather, must call for the act of doing something. The act of determining may be a continuing act. It need not be the conclusion and if it was, a proper step could not be claimed. Therefore, "determining" must necessarily mean the process that results in determining or, in the Examiner's words, conclusively fixing.

Thus, the combination of "simultaneously" and "determining" must mean doing the process of conclusively fixing simultaneously. Since we are talking about a process, two actions

Date of Deposit: November 29, 2006
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
Cynthia L. Hayden
Cynthia L. Hayden

may be simultaneous if they are simultaneous in any aspect. Thus, in other words, if there are two steps in the two process sequences and one step of each sequence is done simultaneously, the sequences are at least partially simultaneous. The claim does not require that they be entirely simultaneous.

Thus, both the Section 112 rejection and the prior art rejection must fail. These rejections rely on contradictory claim constructions, which is, of course, completely improper.

With respect to the Section 112 rejection, an entirely overly restrictive construction is adopted, basically reading out "determining" and "simultaneously" to try to apply a reference which appears, from what the Examiner cites, to be totally irrelevant.

Therefore, both rejections should be reversed.

Respectfully submitted,

Date: November 29, 2006

Timothy N. Trop, Reg. No. 28,994
TROP, PRUNER & HU, P.C.
1616 South Voss Road, Suite 750
Houston, TX 77057-2631
713/468-8880 [Phone]
713/468-8883 [Fax]

Attorneys for Intel Corporation